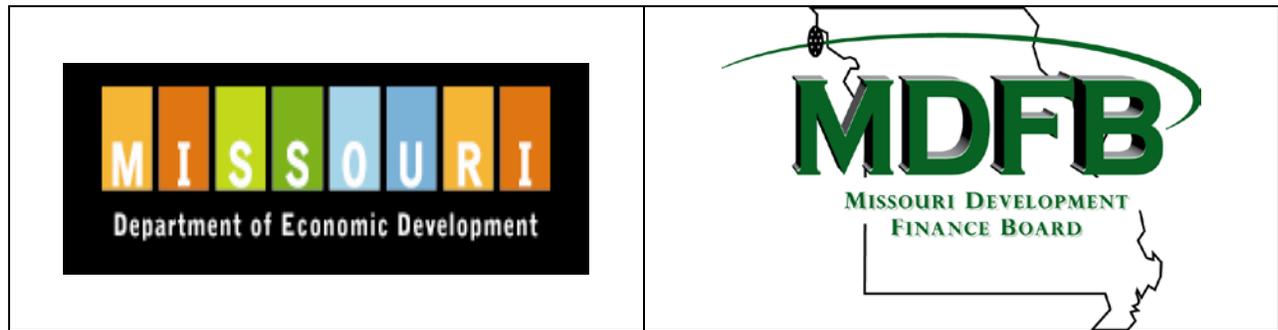


BUILD MISSOURI

A Program Jointly Administered By The:



PROGRAM GUIDELINES

(Rev. June 2011)

BUILD MISSOURI PROGRAM GUIDELINES

Jointly Submitted to the:

<p>MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT</p> <p>Harry S. Truman Building 301 W. High Street, Room 770 P.O. Box 118 Jefferson City, Missouri 65102</p>	<p>MISSOURI DEVELOPMENT FINANCE BOARD</p> <p>Governor Office Building 200 Madison Street, Suite 1000 P.O. Box 567 Jefferson City, Missouri 65102</p>
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GUIDELINES

General

An Applicant submits an Application to the Missouri Department of Economic Development (the “Department”) and the Missouri Development Finance Board (the “Board”) for the purpose of requesting the issuance of bonds (“Bonds”) for the purpose of financing the Project described below (the “Project”) pursuant to the BUILD Missouri Program.

The Applicant agrees that the submission of an Application to the Department and the Board is solely for the purpose of permitting the Department and the Board to make independent determinations of whether the Applicant and the proposed Project qualify for assistance pursuant to the BUILD Act, and, assuming such qualification, the amount of assistance such Project may be eligible for, if any. The determination of eligibility is solely within the power of the Department and the Board. The Department and the Board reserve the right to request additional information in connection with the submission and consideration of an Application.

Procedure for Submission of Application

Procedure for Submission of Application. For the Department and the Board to consider the Application, it must be complete with all required attachments or supporting documentation and must be received by Department staff **15 business days prior to the first Monday of the month** in which the Applicant wishes to be considered by the Board. If the due date falls on a state or federal holiday, the application is due on the next following business day. The Applicant must submit an original and one copy of the Application to the Department. Applicants are encouraged to work with Department and Board staff prior to submitting the final Application to determine if additional information is needed. If sufficient information has not been provided, the Application will be withheld until a subsequent meeting.

Upon receipt of the original and copy of the Application, the Department shall immediately forward the copy of the Application to the Board. The Department will initially

consider the Application and forward to the Board its determination as to whether the Application is in compliance with the BUILD Act and the Rules promulgated by the Department. **The Department will submit a recommendation and an economic impact study to the Board by no later than the Tuesday that is two weeks prior to the meeting at which the Board is to consider preliminary approval of the Application.** Upon receipt of such determination, the Board will schedule the Application for consideration at its next regularly scheduled meeting.

Consideration of the Application. The Board will notify the Applicant of the time and date of the Board meeting when the Application will be presented. At such meeting the Applicant will be expected to make a complete and detailed presentation concerning the matters covered by the Application. After completion of the presentation, the Board will decide whether to preliminarily approve the Application. The Board reserves the right to postpone any action on the Application and to request additional information the Board determines is necessary to properly consider the Application.

Preliminary Approval. If the Board preliminarily approves the Application, the Board will adopt a Resolution to the effect that the Application has been preliminarily approved. The Board and Applicant will proceed to prepare the documentation on forms provided by the Board for the final approval and issuance of Bonds. Such documents will include the preparation and negotiation of a Program Agreement as required by the BUILD Act setting forth the terms and conditions of the issuance of the BUILD Tax Credits.

Preliminary resolutions of intent will expire on the date specified in the resolution, generally on December 31st of the year following the year of adoption of the resolution but may have a later expiration date depending on the scheduled completion date for the Project. If a preliminary resolution has expired and the Applicant wishes to proceed to final approval, all information in the Application must be updated and the Applicant must certify in writing that no material adverse changes have occurred in its financial condition or any other aspect of the Project since preliminary approval.

Final Approval. Prior to the issuance of the Bonds, the Board will adopt a final resolution giving final approval to the Application and authorizing the issuance of the Bonds and the execution and delivery of all documents necessary to issue and secure the Bonds and the Program Agreement. Applicants are not required to be present at the Board meeting at which final approval is given.

Requirements Relating to the Issuance of the Bonds and Tax Credits

Sale of the Bonds. Unless otherwise approved by the Board, the Applicant will be required to purchase the Bonds. All documents relating to the issuance, sale and resale of the Bonds must be acceptable to the Board.

Determination of Interest Rate on the Bonds. The interest rate on the Bonds will be 5.00% per annum, subject to adjustment by the Board as market conditions dictate.

Determination of Amortization and Maturity of the Bonds. The Board will determine the annual principal amortization schedule for the Bonds in such amounts necessary to produce an approximately level payment of principal and interest on the Bonds to the maturity date, unless otherwise determined by the Board. The final maturity date for the Bonds will not exceed 15 years from the date of issuance of the Bonds.

Penalty and Reimbursement for Failure to Meet Projections. The Board and the Department understand that certain aspects of any economic development project are subject to factors, which in many cases are beyond the control or the foreseeability of the Applicant. To protect the State and the Board's interest in the investment being made by the Board in the Project, the Program Agreement will obligate the Applicant to reimburse the Board to the extent that the anticipated economic benefits and investment (i.e., both estimated number of new jobs, estimated wages and estimated capital investment) do not occur as projected by the Applicant in the Application. The obligation to reimburse such tax credits includes those circumstances where the "new jobs" are reduced during the term of the Bonds due to layoffs or other workforce reduction. Applicants are encouraged to use conservative projections in the Application to avoid the onerous nature of these reimbursement requirements.

Certain Legal Risks. The use of tax credits by the Department and the Board has been an important economic development tool for many years. However, state law imposes a number of limitations upon the funding of private projects with public funds. The use of tax credits has been held to constitute a use of public funds. Projects which serve primarily a public purpose involve the reimbursement of infrastructure costs typically provided by a public entity, or the primary purpose of which is the elimination of blight, have been found by courts to comply with these limitations. Because each Project will be different in purpose and function, neither the Department nor the Board can guarantee that a court reviewing any particular use of the tax credits would uphold the Board's use of the tax credits. Each Applicant will therefore be required to assume the risk that a court might invalidate the use of tax credits for the Applicant's Project.

Reporting Requirements. In order to monitor compliance with investment and job creation requirements contained in a Program Agreement and to calculate earned tax credits, businesses will be required to file semiannual reports during the first three years following issuance of the Bonds and annual reports thereafter. These reports require reporting of all new jobs created (and existing jobs retained, if applicable), and applicable wages for such jobs. In order for the Board to verify the number of new jobs created as mandated by the BUILD Act, each business will be required to submit an Employee Status Report to the Board utilizing a secure password-protected website. The Employee Status Report will permit verification of data submitted by the business to the Board with reports filed by the business with the Missouri Department of Labor and Industrial Relations or other state agencies. Such job information will remain strictly confidential with access being limited solely to specific Board personnel, except as otherwise required by law.

In each Status Report, the business will be required to certify that it does not knowingly employ an unauthorized alien. In addition, each business must enroll and participate in a federal work authorization program ("E-Verify Program") to verify the employment eligibility of every

employee whose employment commenced after the employer enrolled in the program. The E-Verify Program, conducted jointly by the Department of Homeland Security (DHS) and the Social Security Administration (SSA), is designed to provide employment status information to determine the eligibility of applicants for employment. E-Verify requires that participating commercial employers use the automated Verification Information System (VIS) to check the SSA and the DHS databases to verify the employment authorization of ALL newly hired employees.

**Tax Credit Accountability Act of 2004 as Amended by House Bill 191
(Section 135.805 RSMo)**

Included with each Annual Report, beginning with the first one due at least one year after issuance of any tax credits, is an Annual Compliance Report required to be filed by tax credit recipients as required by the Tax Credit Accountability Act of 2004. A recipient of a BUILD credit shall annually, for a period of three years following issuance of tax credits, provide to the Board information confirming the category of business by size, the address of the business headquarters and all offices located in the state, the number of employees at the time of the annual update, an updated estimate of the number of employees projected to increase as a result of the completion of the project, and the estimated or actual project cost.

In addition, for a period of three years following the issuance of tax credits, companies shall provide annually to the Board the actual number of jobs created as a result of the tax credits, at the location on the last day of the annual reporting period, separated by part-time permanent and full-time permanent for each month of the preceding twelve-month period.

In the event the tax credit recipient fails to file the Annual Compliance Report or if a court determines there was fraud in the application process, the tax credit recipient will be subject to penalties.

If the Annual Compliance Report is six months past due, the Board shall notify the Department of Revenue that the taxpayer is subject to penalties because of failure to report. Such penalties include the following:

- Failure to report for six (6) months but less than one year shall equal a penalty of two percent (2%) of the value of the tax credits issued for each month of the delinquency.
 - EXAMPLE: Recipient receives \$10,000 in tax credits. Annual report is due June 30, 2009; however, the recipient does not submit the report until March 30, 2010. The recipient is nine (9) months delinquent and the penalty would equal 2% multiplied by \$10,000 for nine (9) months or \$1,800.
- Failure to report for more than one (1) year shall equal a penalty of ten percent (10%) of the value of the credits issued for each month of the delinquency, not to exceed one hundred percent (100%) of the tax credit value.

- **EXAMPLE:** Recipient receives \$10,000 in tax credits. Annual report is due June 30, 2009; however, the recipient does not submit the report until March 30, 2011. The recipient is twenty-one (21) months delinquent and the penalty would equal 10% multiplied by \$10,000 for twenty-one (21) months or \$21,000; however, the statute limits the penalty to the amount of the tax credits, therefore, the penalty would be \$10,000.

The taxpayer shall be liable for any penalties as of December 31 of any tax year and the liability shall be due as of the filing date of the taxpayer's next income tax return. If the taxpayer is not required to file an income tax return, the taxpayer's liability for penalties shall be due as of April 15th of each year.

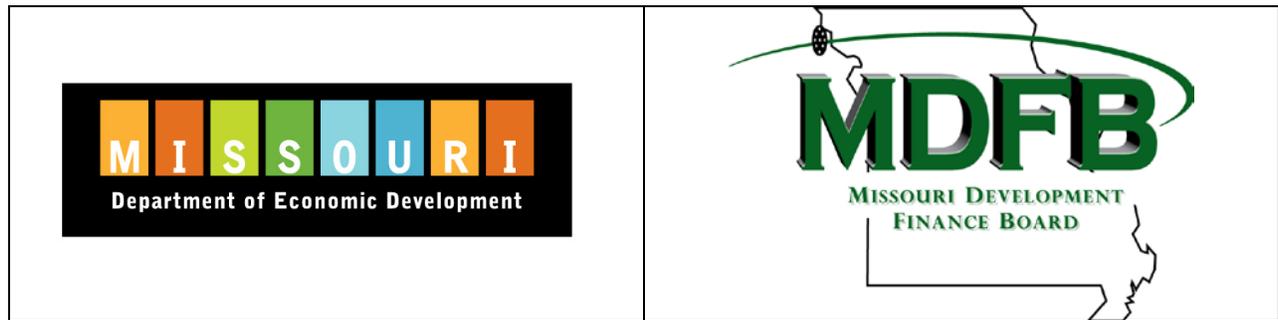
The Director of the Department of Revenue shall offset any tax credits claimed on a filed tax return against any outstanding penalty before applying such credits to the tax year against which they were originally claimed. Any nonpayment of liability for penalties shall be subject to the same provisions of law as a liability for unpaid income taxes, including but not limited to, interest and penalty provisions. Penalties shall remain the obligation of the person or entity obligated to complete the annual report without regard to any transfer of the credits.

Processing of Tax Credits. Prior to the Board's authorization of a tax credit, the Board will contact the Department of Revenue (and Department of Insurance, if required by statute) and verify that the taxpayer does not owe any delinquent income, sales, use taxes, or insurance taxes, or interest or penalties on such taxes. If a delinquency exists, the amount of tax credits issued will be reduced by the amount of the delinquency. After satisfying all delinquencies, the remaining credits will be issued.

Closed Records. The Board and Department are authorized to close records or documents that "relate to financial investments in a business, or sales projections or other business plan information which may endanger the competitiveness of a business" if requested by the Applicant or as otherwise allowed by law.

BUILD MISSOURI

A Program Jointly Administered By The:



PROGRAM APPLICATION

(Rev. October 2013)

BUILD MISSOURI APPLICATION

Date: _____ Amount of Bonds Requested
(excluding costs of issuance): _____

A. THE APPLICANT

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact: _____ Telephone: _____

Title: _____ Fax: _____

E-mail: _____

Headquarter Address (if different than project facility)

1. Business Organization of Applicant:

- Corporation
 C-Corporation
 S-Corporation
 LLC
- Partnership General Limited
 Sole Proprietorship
- Publicly Held
 Privately Held

State of Organization: _____

Date of Initial Organization: _____

Federal ID No. (FEIN): _____

MITS/Missouri ID No.: _____

Fiscal Year End: _____

Business Size in Annual Sales/Receipts: (check one)

- \$0 — \$250,000 \$250,000 — \$500,000 \$500,000 — \$1 M
 \$1 M — \$5 M \$5 M — \$10 M \$10 M — Over

Is the Applicant a subsidiary or affiliated directly with any other organization? If so, indicate name and relationship of related organization:

Provide the following information for such organization:

- Corporation
 C-Corporation
 S-Corporation
 LLC
- Partnership General Limited
 Sole Proprietorship
- Publicly Held
 Privately Held

State of Organization: _____

Date of Initial Organization: _____

2. Officers and Directors

<u>Title</u>	<u>Name</u>	<u>City/State of Residence</u>
President	_____	_____
Vice President	_____	_____
Secretary	_____	_____
Treasurer	_____	_____
Directors	_____	_____
	_____	_____
	_____	_____
	_____	_____

3. Principal Stockholders or Partners:

<u>Name</u>	<u>%</u>	<u>City/State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Legal Counsel to the Applicant:

Firm Name: _____
Address: _____
City _____ State: _____ Zip Code: _____
Contact: _____ Phone: _____
Fax: _____ E-mail: _____

5. Applicant's Principal Bankers:

Name: _____
Address: _____
City _____ State: _____ Zip Code: _____
Contact: _____ Phone: _____
Fax: _____ E-mail: _____

Name: _____
Address: _____
City _____ State: _____ Zip Code: _____
Contact: _____ Phone: _____
Fax: _____ E-mail: _____

6. Applicant's Historical Operations:

Provide the date the Applicant's existing business was established and a brief history of the events leading to the current operations (if necessary, please provide additional information on a separate, attached sheet):

7. Applicant's Current Operations:

Briefly, describe the Applicant's operations, including description of existing products, facilities and in general, its method of operations, customers and suppliers (if necessary, please provide additional information on a separate, attached sheet):

What is the Applicant's Facility NAICS* Code(s): _____

* NAICS — North American Industry Classification System. The Federal Office of Management and Budget (OMB) adopted the NAICS as the industry classification system used by the statistical agencies of the United States. NAICS replaces the 1987 Standard Industrial Classification (SIC). The NAICS is used for classifying business establishments to assist with gathering data related to measuring productivity, unit labor costs, and the capital intensity of production, employment and other information. Missouri businesses are assigned a NAICS when the company files a "Report to Determine Liability Status" with the Missouri Department of Labor and Industrial Relations, Division of Employment Security to determine Unemployment Tax Liability. Normally, a general business employer becomes liable for the tax and responsible for providing unemployment insurance for its workers when it:

- Pays \$1,500 in wages (cash and in-kind) in a calendar quarter, or
- Has an employee in some portion of a day in each of 20 different weeks, or
- Becomes liable under the Federal Unemployment Tax Act (FUTA) and employs a worker in Missouri, or
- Acquires and continues without interruption substantially all the business of a liable employer.

8. Determination of Eligible Industry:

Is the Applicant an "Eligible Industry" within the meaning of the BUILD Act:

Yes No

What type of “Eligible Industry” is the Applicant? (Check all that apply.)

- manufacturing
- processing
- assembling
- research and development
- services in interstate commerce
- office industry
- agricultural processing

“Distressed Community 135.530 RSMo” For the purposes of this act, “distressed community” means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or the United States Census Block Group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and which has a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition, the definition shall include municipalities not in a metropolitan statistical area, with a median household income of seventy percent of the median household income for the non-metropolitan areas in Missouri according to the last decennial census or a Census Block Group or contiguous group of block groups which has a population of at least two thousand five hundred which has a median household income of seventy percent of the median household income for the non-metropolitan areas of Missouri, according to the last decennial census.

“Eligible industry” means a business located (or to be located) within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. **“Eligible industry”** does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the Board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county.

“**Office industry**” means a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center.

“**Related Taxpayer**” means (i) a corporation, partnership, trust or association controlled by the Applicant; (ii) a corporation, partnership, trust or association in control of the Applicant, or (iii) a corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of this definition, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code.

Has the Applicant (or any Related Taxpayer) closed or substantially reduced its operation at one location in the state in the last three years?

Yes No If yes, please give details.

Will the Project include any operations, which were previously conducted in the State by the Applicant (or any Related Taxpayer?)

Yes No If yes, please give details.

B. THE PROJECT

1. Project Description:

Type of Project: (Check all that apply.)

- construction of new infrastructure
- acquisition of real estate
- construction of new facilities
- acquisition of existing facilities
- additions or improvements to existing facilities
- acquisition of equipment

Location of Project Site:

(Street) (City) (ZIP) (County)

Provide a detailed description of the Project, including land, buildings (type and size), improvements, machinery and equipment to be acquired or constructed, the principal use of the facilities once acquired or constructed and the address of the proposed Project (attach Exhibits if necessary):

What is the expected date of commencement of construction of the Project?

Date: _____

What is the date the Project is expected to commence operations?

Date: _____

2. Project Costs:

Use the following table to state the costs reasonably necessary for the acquisition of the site and/or construction of the proposed Project together with any machinery and equipment in connection therewith, including any utilities hook-up, access roads, or appurtenant structures.

<u>Description of Estimated Project Costs</u>	<u>Cost Financed With BUILD Bond Proceeds</u>	<u>Total Cost</u>
A. Acquisition of Land		
Acquisition of Existing Buildings	\$	\$
B. Infrastructure Costs:	\$	\$
1. Filling, grading and provision of drainage	\$	\$
2. Storm water retention	\$	\$
3. Installation and extension of utilities (offsite):	\$	\$
a. water	\$	\$
b. sewer	\$	\$
c. sewage treatment	\$	\$
d. gas	\$	\$
e. electricity	\$	\$
f. communications and similar facilities	\$	\$
4. Installation and extension of utilities (onsite):	\$	\$
a. water	\$	\$
b. sewer	\$	\$
c. sewage treatment	\$	\$
d. gas	\$	\$
e. electricity	\$	\$
f. communications and similar facilities	\$	\$
5. Construction, Extension or Improvement of Roads and/or Rail Lines	\$	\$
6. Extension of sidewalks and curbing	\$	\$
7. Elimination of Blight (please describe)	\$	\$
8. Other (please describe)	\$	\$
C. Facility Construction Costs (exclude inventory and working capital):		
1. Architectural and Engineering	\$	\$
2. Site Preparation	\$	\$
3. Materials	\$	\$
4. Labor	\$	\$
5. Construction Contracts	\$	\$
6. Utilities Connection	\$	\$
7. Paving and Landscaping	\$	\$
D. Renovation Costs	\$	\$
E. Machinery and Equipment	\$	\$
F. Furniture and Fixtures	\$	\$
G. Interest During Construction		
From _____ To _____	\$	\$
H. Accounting, Legal, Miscellaneous	\$	\$
I. Contingency	\$	\$
TOTAL PROJECT COSTS	\$	\$

The Board encourages the involvement of minority and women-owned businesses in all of its programs and purchases.

Source of Funds:

A. State amount and sources of financing for all of the Project costs listed above.

<u>Sources</u>	<u>Amount</u>
Bond Proceeds	\$ _____
Other Financing	\$ _____
Applicant's Funds	\$ _____
Federal Grants or Loans	\$ _____
Other Public Moneys:	\$ _____
City	\$ _____
County	\$ _____
Other	\$ _____
TOTAL*	\$ _____

* Should match Total Project Costs from Page 8

B. Describe and name the source of all Other Financing, Federal Grants or Loans, and Other Public Moneys listed above.

3. Ownership:

Present legal owner of project site (the real property on which the Project will be located):

If presently owned by Applicant, indicate date of purchase, reason for purchase, and current use of the Project Site:

Is the current owner a Related Taxpayer to the Applicant?

Yes No If yes, please describe the relationship:

4. Effect of Project on Employment.

A. Number of temporary jobs (including construction) created as a result of the Project:

_____ Number _____ Average Hourly Wage

B. Number of “new jobs” created as a result of the Project:

_____ Number _____ Average Hourly Wage

“New job” means a full-time position (minimum 35 hours) in a new or expanding eligible business created within a period determined by the Department (ending generally three years of the date of issuance of the Bonds), not including jobs of recalled workers or replacement jobs (jobs that formerly existed in the eligible business in the State). A qualified employee may not have been employed by the Applicant or a Related Taxpayer during the 12 months prior to the creation of the “new job.”

Describe the New Jobs, projected gross wages and average starting wage to be created in each of the following years. The number of new jobs are those jobs added during a given year and are **not** cumulative.

Occupational Classification	Number of New Jobs added in Year 1	Projected Gross Wages	Number of New Jobs added in Year 2	Projected Gross Wages	Number of New Jobs added in Year 3	Projected Gross Wages	Average Starting Wage (Use current pay scales)
Totals							

C. Number of existing jobs that will be retained as a result of the Project:

_____ Number (Full-time) _____ Average Hourly Wage

_____ Number (Part-time) _____ Average Hourly Wage

List current employees of the Applicant at the Project site and elsewhere in the State of Missouri.

Occupational Classification	Total	Average Starting Wage	Average Maximum Wage	Explanatory Notes (include location)
Totals				

D. If the proposed Project results in the closing of facilities or the reduction of employees at other Missouri sites, indicate the reasons for such closing or reduction and set forth facts upon which the Board may determine that the Project will result in added employment for the State of Missouri and that financing the Project will be in the public interest.

E. Were any of the “new jobs” previously performed by employees of the Applicant or any Related Taxpayer in Missouri?

Yes No If yes, please explain (if necessary, please provide additional information on a separate, attached sheet):

C. FINANCIAL INFORMATION

1. Financial Statements:

Attach financial statements (audited, if available) for at least the last three (3) fiscal years, including a recent statement (less than 90 days old). If pro forma financial statements have been prepared, please submit. Other comparable information may be requested.

2. Financial Difficulties:

Has the Applicant (or any Related Taxpayer) or any of the management of the Applicant or its affiliates, or any concern with which such management has been connected, ever defaulted on its debt obligations, been involved in bankruptcy, creditor's rights, or receivership proceedings, or involved in criminal proceedings bearing on the handling of financial matters?

Yes No

If yes, please give details.

3. Litigation:

Is the Applicant (or any Related Taxpayer) presently involved in any litigation which would have a material effect on its financial solvency?

Yes No

If yes, please give details.

4. Other Information:

Indicate facts which would support the Board's determination that the Project will tend to maintain or provide gainful employment for the people of the State of Missouri; maintain or increase the tax base or the economy of the State; maintain, diversify or expand industry in the State or in any other way will be a benefit to the economy of the State.

5. In which state legislative District(s) is the Project located:

House: _____ Senate: _____
In which U.S. Congressional District: _____

D. OTHER INFORMATION

1. Describe in detail all local incentives, which are under consideration by the Applicant in connection with the Project and the projected annual benefit of each incentive.

Description of Local Incentives	1st Year Value	2nd Year Value	3rd Year Value	Aggregate Value (all years)

2. Describe in detail why participating in the BUILD Program is a major factor in the Applicant's decision to go forward with the project and not receiving approval will result in the Applicant not creating new jobs in Missouri.

3. Describe in detail the projected positive fiscal impact to the state from the Project.

4. The Department and the Board discourage the use of tax credits to induce other businesses within the State to relocate at the Project by offering either lease or rental rates that are below average market lease or rental rates, or where such businesses are offered tenant improvement allowances or any and all other allowances in such amounts above those customarily offered in the market where the Project is located. If the Project results in the creation of rentable space to be occupied by other than the Applicant, provide a summary of all leases, commitments for leases or expected leases to be entered into for any space in the Project.

The Board reserves the right to postpone any action on this Application if the Applicant fails to provide all information required by this Application.

E. CERTIFICATION OF APPLICANT

I, the undersigned, acting on behalf of the Company named below, hereby certify and agree to the following:

1. The information submitted by the Company to DED in connection with the Project is true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The Company hereby authorizes DED to verify such information and the information provided in this certification from any source;
2. Neither the Company nor, for a privately-held company, any individual who owns an ownership interest in the Company or is engaged in the management of the Company:
 - a. Has committed a felony, is currently under indictment or charged with a felony, or is currently on parole or probation;
 - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees;
 - c. Has filed (or is about to file) for bankruptcy, unless otherwise disclosed to DED;
 - d. Has failed to fulfill any obligation under any other state or federal program;
3. There are no pending or threatened liens, judgments, or material litigation against the Company or, for a privately-held Company, any individual who owns an ownership interest in the Company or is engaged in the management of the Company which is likely to have a material impact on the Company's viability;
4. Neither the operations of the Project itself nor the receipt of incentives for the Project would violate any existing agreement;
5. The Company has obtained or is capable of obtaining all necessary federal, state and local permits and licenses for the Project;
6. I certify that the Company does NOT knowingly employ any person who is an unauthorized alien and that the Company has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien.

7. I certify that the Company is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the Company will maintain and, upon request, provide DED documentation demonstrating Company's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify Company for this program. I understand that if the Company is found to have employed an unauthorized alien, applicant may subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo.
8. I understand that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
9. I will inform DED if, at any time before project completion, there is any change to any of the certifications made herein.
10. I hereby agree to allow DED, Department of Revenue, or either of their designated representatives, access to the property and applicable records as may be necessary for the administration of this program.
11. I certify under penalties of perjury that the above statements, information contained herein and in any attachments hereto are complete, true, and correct to the best of my knowledge.

I certify that I have the proper authority to execute this document on behalf of the Company and that I am authorized to make the statement of affirmation contained herein. I also realize that failure to disclose material information regarding the Company, any owners or individuals engaged in the management of the Company, or other facts may result in criminal prosecution.

A check payable to the Board in the amount of \$1,000 representing the application fee is enclosed. Costs of issuance fees set forth below will be due simultaneously with the issuance of the Bonds.

Dated this _____ day of _____, 20 _____

SIGNATURE: _____
 NAME: _____
 TITLE: _____

